

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Petition of Boston Edison Company,)	
Cambridge Electric Light Company,)	
Commonwealth Electric Company and)	D.T.E. 05-85
NSTAR Gas Company for Approval)	
of a Rate Settlement.)	

**MOTION OF THE CAPE LIGHT COMPACT
TO EXTEND APPEAL PERIOD**

Pursuant to G.L. c. 25, § 5 and 220 CMR § 1.11(11), the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together as the Cape Light Compact (the “Compact”), hereby respectfully request that the Department of Telecommunications and Energy (the “Department”) extend by thirty (30) days the time for the Compact to file a petition for appeal of the Department’s December 30, 2005 order in D.T.E. 05-85 (the “Order”). As grounds for the Compact’s request, the Compact states as follows:

1. Given the volume and complexity of the record — consisting of roughly three thousand pages of documents — and the timing of this proceeding (December 6th filing and a December 30th Order), the Compact, its counsel and technical experts require additional time to prepare a petition for appeal.
2. The Compact also intends to use the period of the extension to attempt to engage in discussions with the parties to the settlement approved in the Order (the “Settlement”) in order to explore means of addressing the Compact’s concerns

outside the context of an appeal. Accordingly, an adequate extension of time may obviate the need for filing of a petition for appeal.

3. An extension that furthers the Compact's interest will also further the interest of all of the municipalities that are members of the Compact, the roughly 183,000 ratepayers that receive generation service through the Compact's aggregation program as well as the other ratepayers on Cape Cod and the Islands that have an interest in ensuring that this proceeding results in an outcome favorable to them.

4. The public interest will not be harmed by the granting of this motion. Unless the Court were to determine that a balancing of relevant interests requires otherwise, the terms of the Settlement will remain in effect regardless of whether a petition for appeal is filed. See G.L. c. 25, § 5 (providing that "[a]ny . . . order . . . of the commission shall be effective and may be enforced according to its terms and the operation or enforcement thereof shall not be suspended or stayed by the entry of an appeal therefrom"). Accordingly, to the extent that the Order is in fact in the public interest, the filing of a petition for appeal will not affect the public's ability to derive benefits from the Order and the Settlement. The Compact acknowledges that there is nonetheless a public benefit to expeditious resolution of disputes but asserts that a mere 30-day extension would not jeopardize any public interest.

5. To the contrary, granting of this motion would *further* the public interest. The extension period would either allow the Compact to reach an accommodation with other parties to the proceeding or allow the Compact to have sufficient time to prepare a more focused and comprehensive appeal. Each of these consequences would further the public interest.

6. Because the Attorney General by law does not represent any interest other than the public interest, the interest of the Attorney General does not differ from the interest of the public discussed above.

7. The interest of the Companies (as defined in the Order) will not be harmed by the granting of this motion. First, as noted above, the filing of a petition for appeal would presumptively not stay the Order. Second, the Companies would benefit if the extension period allows the Companies and the Compact to reach an accommodation that avoids the need for an appeal.¹

8. For reasons that include those expressed above, the granting of this motion would not harm the interests of any other party to this proceeding.

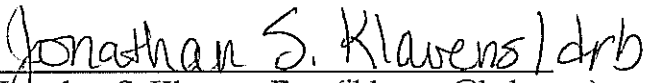
For all the above reasons, the Compact respectfully moves that the Department allow the Compact an additional 30 days in which to file a petition for judicial review.

¹ The Compact notes that the Companies may benefit from an extension even if a petition for appeal is ultimately filed at a later date. NSTAR, the Companies' parent, filed a Form 8-K with the U.S. Securities and Exchange Commission on January 4, 2006 reporting the issuance of the Order as an "unscheduled material event." Form 8-K of NSTAR filed Jan. 4, 2006 (available at <http://phx.corporate-ir.net/phoenix.zhtml?c=92689&p=irol-irhome>). NSTAR may well need to file an additional Form 8-K following the filing of a petition for appeal. It cannot be in the Companies' interest to hasten the need to make such a filing.

Respectfully submitted,

THE CAPE LIGHT COMPACT

By its attorneys,


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